

EXHIBIT 1
Part 2 of 3

155588

ORIGINAL

Marco Marroquin, H-62380
Box 689 G-123L
California State Prison
Soledad, CA 93960-0689

IN THE SUPREME COURT
FOR THE STATE OF CALIFORNIA

S U P P O R T I N G D O C U M E N T S

Exhibit "A" PAROLE HEARING TRANSCRIPTS

Exhibit "B" In re, MIKAEL SCHIOLD

Exhibit "C" In re ROBERT ROSENKRANTZ

Exhibit "D" Pages from Habeas Petition(s)

Exhibit "E" Pages from Trial Transcripts

Exhibit "F" Decision Sheet

Attachment "1" PEOPLE v. CEJA

EXHIBIT “A”

SUBSEQUENT PAROLE CONSIDERATION HEARING
STATE OF CALIFORNIA
BOARD OF PAROLE HEARINGS

In the matter of the Life)
Term Parole Consideration)
Hearing of:)

CDC Number H-62380

MARCO MARROQUIN)
_____)

**INMATE
COPY.**

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

JUNE 6, 2006

11:40 A.M.

PANEL PRESENT:

Ms. Linda Shelton, Presiding Commissioner
Mr. Bill Keenan, Deputy Commissioner

OTHERS PRESENT:

Mr. Marco Marroquin, Inmate
Ms. Aracelisa Zavala, Interpreter
Mr. Richard Rutledge, Attorney for Inmate
Mr. David Pearson, Deputy District Attorney
Correctional Officers Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

See Review of Hearing
Transcript Memorandum

Berenice Billington, Peters Shorthand Reporting

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1 P R O C E E D I N G S

2 DEPUTY COMMISSIONER KEENAN: We're on
3 record.

4 PRESIDING COMMISSIONER SHELTON: All
5 right. Good afternoon, everyone. We are here
6 for a Subsequent Parole Consideration Hearing
7 for Marco Marroquin, CDC number H-62380.
8 Today's date is June 6, 2006. The time is 11:40
9 a.m. We are located at CFT. Mr. Marroquin was
10 received on January 14th, 1993, committed from
11 Los Angeles County. His life term began
12 December 24, 1993, with a minimum eligible
13 parole date of December 24th, 2003. The
14 controlling offense for which the Inmate is
15 committed is set forth in case number TA016787,
16 charging in count one, violation of PC 187,
17 murder in the second degree, along with
18 PC 12022.5(a), use of a firearm. Mr. Marroquin
19 received a term of 15 years to life, plus a
20 three-year enhancement, equaling 18 years to
21 life. Mr. Marroquin, this hearing is being
22 recorded for voice identification purposes, so
23 we will go around the room and state our first
24 name and our last name, spell our last name, and
25 when we get to you, please add your CDC number.
26 I will start and go to my left. My name is
27 Linda Shelton, S-H-E-L-T-O-N, Commissioner.

1 DEPUTY COMMISSIONER KEENAN: Bill Keenan,
2 K-double-E-N-A-N, Deputy Commissioner.

3 DEPUTY DISTRICT ATTORNEY PEARSON: David
4 Pearson, P-E-A-R-S-O-N, Deputy District Attorney
5 from the County of Los Angeles.

6 ATTORNEY RUTLEDGE: Richard Rutledge,
7 R-U-T-L-E-D-G-E, counsel for Mr. Marroquin.

8 INMATE MARROQUIN THROUGH THE INTERPRETER:
9 My name is Marco Marroquin, M-A-R-R-O-Q-U-I-N,
10 H-C2 - excuse me.

11 THE INTERPRETER: H-62380 is Mr.
12 Marroquin's CDC number. Aracelisa Zavala,
13 Z-A-V-A-L-A, Interpreter.

14 PRESIDING COMMISSIONER SHELTON: And for
15 the record, we have two officers in the room for
16 security purposes who will not be participating
17 in this hearing. All right, Mr. Marroquin, you
18 signed a form called BPT Form 1073 back in July
19 of 2005 with regards to any need for
20 accommodations for disabilities. As well, you
21 signed a form today that your attorney went over
22 with you?

23 INMATE MARROQUIN THROUGH THE INTERPRETER:
24 Yes.

25 PRESIDING COMMISSIONER SHELTON: Do you
26 wear glasses, senor?

27 INMATE MARROQUIN THROUGH THE INTERPRETER:

1 Yes, just to read.

2 PRESIDING COMMISSIONER SHELTON: And your
3 glasses work okay for you?

4 INMATE MARROQUIN THROUGH THE INTERPRETER:

5 Yes. Yeah.

6 PRESIDING COMMISSIONER SHELTON: Do you
7 have any hearing problems?

8 INMATE MARROQUIN THROUGH THE INTERPRETER:

9 No.

10 PRESIDING COMMISSIONER SHELTON: Do you
11 have any walking, sitting or standing problems?

12 INMATE MARROQUIN THROUGH THE INTERPRETER:

13 No.

14 PRESIDING COMMISSIONER SHELTON: Is there
15 any reason that you wouldn't be able to complete
16 this hearing today?

17 INMATE MARROQUIN THROUGH THE INTERPRETER:

18 No.

19 PRESIDING COMMISSIONER SHELTON: You're
20 perfectly comfortable with going forward?

21 INMATE MARROQUIN THROUGH THE INTERPRETER:

22 Perfectly.

23 PRESIDING COMMISSIONER SHELTON: Thank
24 you. Mr. Rutledge, have we accommodated any and
25 all disabilities?

26 ATTORNEY RUTLEDGE: Yes, Commissioner.

27 PRESIDING COMMISSIONER SHELTON: Okay. I

1 think we're okay. Does anybody have a problem
2 with leaving the air conditioning on at the
3 moment, are we - can we hear each other okay?
4 Except for Mr. Rutledge might have to speak up.

5 DEPUTY COMMISSIONER KEENAN: I want to
6 get that microphone just a little closer.

7 PRESIDING COMMISSIONER SHELTON: If it
8 gets sidetracking, we'll turn it off. All
9 right. Mr. Marroquin, you also have some
10 rights. You have the right to an impartial
11 hearing. Do you have any problem with
12 Commissioner Keenan or myself handling your
13 hearing today?

14 INMATE MARROQUIN THROUGH THE INTERPRETER:
15 No way.

16 PRESIDING COMMISSIONER SHELTON: All
17 right. You also understand that the process for
18 appealing a decision has to go through court
19 now, in case you don't - you want to appeal a
20 decision, and your attorney can help you do that
21 if you have any concerns about that.

22 INMATE MARROQUIN THROUGH THE INTERPRETER:
23 Thank you.

24 PRESIDING COMMISSIONER SHELTON: All
25 right. Counsel, have we met all of your
26 client's rights today -

27 ATTORNEY RUTLEDGE: Yes.

1 PRESIDING COMMISSIONER SHELTON: - so
2 far? Okay. Thank you. Mr. Marroquin, you are
3 not required to admit to or discuss your
4 offense; however, this panel accepts as true the
5 findings of the court. Do you know what that
6 means?

7 INMATE MARROQUIN THROUGH THE INTERPRETER:
8 Not exactly.

9 PRESIDING COMMISSIONER SHELTON: What it
10 means is that we have court papers that said
11 what you did on your commitment offense, and we
12 have to go by that.

13 INMATE MARROQUIN THROUGH THE INTERPRETER:
14 That's fine.

15 PRESIDING COMMISSIONER SHELTON: All
16 right. It also means, like I said, you don't
17 have to talk about this either. You and your
18 attorney can decide what you want to do there.

19 INMATE MARROQUIN THROUGH THE INTERPRETER:
20 There's no problem.

21 PRESIDING COMMISSIONER SHELTON: All
22 right. Commissioner, do we have any
23 confidential material?

24 DEPUTY COMMISSIONER KEENAN: We do not.

25 PRESIDING COMMISSIONER SHELTON: All
26 right. Where do we have the Hearing Checklist
27 at? I think I put it in front of you. Do you

1 have it, Mr. Pearson, the Hearing Checklist?

2 DEPUTY DISTRICT ATTORNEY PEARSON: Yes.

3 PRESIDING COMMISSIONER SHELTON: Here is
4 it is.

5 DEPUTY DISTRICT ATTORNEY PEARSON: Yes, I
6 do.

7 PRESIDING COMMISSIONER SHELTON: All
8 right. Both attorneys have seen the Hearing
9 Checklist, and both of you have signed that you
10 have everything you need to move forward in
11 today's hearing?

12 ATTORNEY RUTLEDGE: Correct.

13 PRESIDING COMMISSIONER SHELTON: Mr.
14 Pearson?

15 DEPUTY DISTRICT ATTORNEY PEARSON: Yes.

16 PRESIDING COMMISSIONER SHELTON: Okay.

17 Great. Thank you. All right. Mr. Rutledge,
18 are there any additional documents to be
19 submitted?

20 ATTORNEY RUTLEDGE: I don't believe so.
21 There was some question regarding a certificate
22 that may or may not be in the file, but -

23 PRESIDING COMMISSIONER SHELTON: We'll
24 get to that when we start covering - it was a
25 vocational certificate?

26 ATTORNEY RUTLEDGE: Correct.

27 PRESIDING COMMISSIONER SHELTON: Okay.

1 We can look for that as we get to that portion.
2 He may have some things there. Mr. Marroquin,
3 do you have anything in that file that you
4 wanted to submit with permission from your
5 attorney?

6 INMATE MARROQUIN THROUGH THE INTERPRETER:
7 All I have here is documents that are already
8 (indiscernible).

9 PRESIDING COMMISSIONER SHELTON: Okay.
10 Well, that's good to know. In case we can't
11 find them here, we'll look in there.

12 INMATE MARROQUIN THROUGH THE INTERPRETER:
13 Correct.

14 PRESIDING COMMISSIONER SHELTON: All
15 right. Are there any preliminary objections?

16 ATTORNEY RUTLEDGE: No.

17 PRESIDING COMMISSIONER SHELTON: Will
18 your client be speaking with us today?

19 ATTORNEY RUTLEDGE: Yes.

20 PRESIDING COMMISSIONER SHELTON: All
21 righty. Mr. Marroquin, please raise your right
22 hand. Do you solemnly swear or affirm that the
23 testimony you give at this hearing will be the
24 truth, the whole truth, and nothing but the
25 truth?

26 INMATE MARROQUIN THROUGH THE INTERPRETER:
27 That is correct.

1 PRESIDING COMMISSIONER SHELTON: Thank
2 you, sir. All right. We're moving into the
3 next phase of this hearing where we'll be
4 discussing your commitment offense. We'll talk
5 about your prior record and we'll talk about
6 your social history. So I am going to enter
7 into the record a summary of the offense as
8 taken from the - actually, it's taken from the
9 November 2nd Board Report but has been carried
10 forward to the current review period of November
11 2005.

12 "Viewed in accordance with the usual
13 rules on appeal, the evidence established
14 that in August of 1991, the victim Luis
15 Silva, and his girlfriend agreed to buy a
16 car from Marroquin. Silva drove the car
17 for several days, and after discovering
18 that it had a lot of defects, he returned
19 the car to Marroquin. He did not want
20 the car back, and told Silva that he
21 wanted one thousand dollars for the days
22 the car was used. Silva replied that if
23 he had the money, he would pay him for
24 the car. Marroquin told Silva that he
25 would regret what he had done to him. On
26 January 13th, 1992, in the city of
27 Compton, Los Angeles County Sheriff's

1 Department deputies were flagged down by
2 two men. They reported that an
3 individual, later identified as
4 Marroquin, had been shooting a gun. Two
5 men, who also witnessed the incident,
6 directed LASO deputies to where Marroquin
7 was. He was observed to be standing in
8 front of a Toyota truck holding the hood
9 open with a gun in his left hand. He was
10 ordered to drop the gun. Marroquin threw
11 the gun into a vacant lot. In the
12 process of placing Marroquin in the
13 patrol car, other witnesses approached
14 the LASO deputies stating that someone
15 had been shot in the front of Villa
16 Bajavita Bar. Bajavita spelled B-A-J-A-
17 V-I-T-A. LASO deputies observed the
18 victim, a male, later identified as Luis
19 Silva, lying on his back. Upon closer
20 observation, there appeared a gunshot
21 wound to the victim's left bicep. The
22 victim was bleeding slightly, and his
23 jacket was stained with blood. The
24 victim was then transported to Long Beach
25 Memorial Hospital where he was pronounced
26 dead on 1/14/92 at approximately 7:22
27 a.m. Cause of death was listed as

1 internal hemorrhage. A witness who was
2 selling hotdogs from a stand outside the
3 bar heard Marroquin swearing at Silva and
4 saying that he wanted to kill him. The
5 witness did not see them fighting prior
6 to Marroquin pulling out the gun. Also
7 the witness saw no menacing gestures on
8 the part of Silva, nor did she see
9 anything in Silva's hand. The witness
10 did not see or hear Silva break a bottle
11 or use a bottle in a jabbing motion."

12 Mr. Marroquin, would you like to tell us about
13 that day?

14 INMATE MARROQUIN THROUGH THE INTERPRETER:

15 Correct.

16 PRESIDING COMMISSIONER SHELTON: Go
17 ahead, sir.

18 INMATE MARROQUIN THROUGH THE INTERPRETER:

19 First of all in this case, I offer my apologies
20 sincerely as - as far as everything that
21 happened. This problem, I take it as an
22 accident, because if I wanted to or if my
23 intentions were others, so much time would have
24 not lapsed. I had forgotten about that. But
25 what happens and I - I -

26 PRESIDING COMMISSIONER SHELTON: Eye-yie-
27 yie. Take your time. Translation's difficult.

1 THE INTERPRETER: I'm so sorry. The
2 interpreter does not have a translation for the
3 word "maldigo," which is spelled M-A-L-D-I-G-O,
4 from the prisoner. She can give an explanation
5 of the word she is familiar with: "I hate the
6 moment, I -" oh, gosh. Instead of "blessing,"
7 the opposite of a blessing. It's a -

8 DEPUTY COMMISSIONER KEENAN: Curse?

9 THE INTERPRETER: "I curse the moment."
10 Thank you.

11 INMATE MARROQUIN THROUGH THE INTERPRETER:
12 I automatically, that incident, I found myself
13 in an opportune moment, or I went to that place,
14 that bar, and unfortunately, we bumped into each
15 other there, and it's impossible - not I
16 remember, but it's impossible that I was - if I
17 was aware if he was there first or if I was
18 there first, but this situation brought a lot of
19 harm to me, and there is no excuse that is worth
20 to take the life of another, just like I offer a
21 lot of apologies that I have harmed that family,
22 and also my family. But in this act, it was
23 something where I was the hurt one, and I want
24 to ask for permission and at the same time
25 apologize to all the members of the panel here,
26 but what happened to me, it could happen to
27 anyone. I was kidnapped - I was kidnapped, I

1 was robbed, and it came to the point of death,
2 and it's something that at the time I felt not
3 only at the time but I keep feeling not only of
4 a coward situ - cowardly situation, but it never
5 crossed my mind, ever, that it would arrive to
6 that point because I have sincerely felt since
7 that moment very bad, and I really feel bad, and
8 I automatically cannot assimilate all of this
9 that happen. I ad - I admit to my guilt one
10 hundred percent, and I really need an
11 explanation because you can't see the coin only
12 on one side.

13 PRESIDING COMMISSIONER SHELTON: All
14 right. Mr. Marroquin, we need to ask you a
15 couple of questions. You're telling us how you
16 feel, which is fine. I'm still confused about
17 what happened that day. You mentioned that you
18 were kidnapped. How?

19 INMATE MARROQUIN THROUGH THE INTERPRETER:
20 Exactly.

21 PRESIDING COMMISSIONER SHELTON: How?

22 INMATE MARROQUIN THROUGH THE INTERPRETER:
23 I was sitting in a piece of furniture inside the
24 bar, and when I felt the pull from here, it was
25 two guys, and then they took me out. Once I was
26 outside, I was attacked. I was - I was able to,
27 I did whatever means possible to prevent to be

1 battered. If I would have had a better defense,
2 if I would have found the weapon that he had in
3 his power, that is was something like - like a
4 knife, and during that movement, they stole
5 everything. I would run this way, they would
6 follow me; I would run this way, and they follow
7 me, until finally they - they walked away, and
8 then I went - I went to the car. When - once I
9 got to the car, it was a surprise - such a
10 surprise that those walkways that are behind the
11 homes, I am in front of my car when I see - when
12 I see the car come out again, and - and they get
13 off one - on one side of the car and the - the
14 other one on the other side of the car wanted to
15 attack me, and I cursed the moment when I was
16 already armed, and even that's - in that case I
17 still told them, "Please, I don't want any
18 problems." I would walk, and they would follow
19 me. How can it be possible if I'm walking on
20 the sidewalk and them inside the car driving at
21 my pace, if I wanted to, I would've shot them
22 there, but no, my intentions were none, nothing
23 was going through my mind. What, yes, yes, with
24 true sincerity is that I felt not sure or
25 secure, but I did feel somewhat prepared, but as
26 I was getting there, because it was - because it
27 was two or three times that I was walking

1 towards the bar and they were going along with
2 me, and I would come back, and they would put
3 the car in reverse again, and I wanted to see, I
4 wanted to someone who can help me at that
5 moment, and I cursed the day when I see - when I
6 see people outside the bar, in front of the bar,
7 and I said, "I see people, nothing's going to
8 happen." When they noticed that I'm getting
9 closer to the bar, they make a U-turn and they
10 park the car on the other side. When I see the
11 victim, when it starts running, with a bottle in
12 his hand, and on the edge of the sidewalk, he
13 breaks it, and he goes - lunges at me, and - and
14 true - excuse me - truly am sincere, I didn't
15 remember about the gun at that moment. I was
16 attacked two or three times with the bottle, and
17 I didn't remember about the gun, because I felt
18 he was going to kill me, and finally it
19 happened. I feel very bad.

20 PRESIDING COMMISSIONER SHELTON: Senor,
21 you mentioned that they stole all of your
22 things. What did they steal?

23 INMATE MARROQUIN THROUGH THE INTERPRETER:
24 My watch, a chain, they stole my money, and
25 prior to that, showed up there at the police.
26 How did it appear? Well, because the police
27 confiscated it.

1 PRESIDING COMMISSIONER SHELTON: From you
2 or from the victim?

3 INMATE MARROQUIN THROUGH THE INTERPRETER:
4 No, there at the police, they confiscated that
5 that belonged to me, what they had stole from
6 me.

7 PRESIDING COMMISSIONER SHELTON: Okay. I
8 understand. Mr. Marroquin, how much did you
9 have to drink that day?

10 INMATE MARROQUIN THROUGH THE INTERPRETER:
11 Automatically, yes, I had drunk some - drank,
12 excuse me - some beers.

13 PRESIDING COMMISSIONER SHELTON: How
14 many?

15 INMATE MARROQUIN THROUGH THE INTERPRETER:
16 I can't calculate, but a few.

17 PRESIDING COMMISSIONER SHELTON: How
18 often do you drink?

19 INMATE MARROQUIN THROUGH THE INTERPRETER:
20 Back then I would drink my beers once in a
21 while.

22 PRESIDING COMMISSIONER SHELTON: Every
23 day?

24 INMATE MARROQUIN THROUGH THE INTERPRETER:
25 No, no. Sometimes on the weekends. It was like
26 a - a habit, a stupid habit, and I apologize for
27 that, the word.

1 PRESIDING COMMISSIONER SHELTON: Did you
2 - do you think you had an alcohol problem back
3 then?

4 INMATE MARROQUIN THROUGH THE INTERPRETER:
5 Correct.

6 PRESIDING COMMISSIONER SHELTON: So when
7 you drank on the weekends, did you always when
8 you drank?

9 INMATE MARROQUIN THROUGH THE INTERPRETER:
10 Not exactly - not exactly would I get drunk, but
11 yes, yes, - well, I would be happy, yes.

12 PRESIDING COMMISSIONER SHELTON: Why did
13 you have a gun?

14 INMATE MARROQUIN THROUGH THE INTERPRETER:
15 Automatically, there is no excuse that is worth
16 it, but - forgive me, not that I'm evading your
17 question, but I'm going to start from a point, a
18 confusing point. When I was in - in trial, in
19 court, the DAs, they were accusing me that why
20 had I obtained the revolver seven days prior to
21 the crime, and that was incorrect, because
22 Sacramento had re - registered it to me seven
23 years before because of my record, and that -
24 and that is something I'm not able to
25 understand, why are they accusing of something
26 that they shouldn't, because the judge brought
27 it to their attention, to the district

1 attorneys, about it, because they knew exactly
2 that revolver was found, speaking vulgarly, it
3 wasn't hot, it wasn't a hot one, it was a
4 registered weapon.

5 PRESIDING COMMISSIONER SHELTON: And let
6 me ask you, sir, why did you get a weapon seven
7 years before?

8 INMATE MARROQUIN THROUGH THE INTERPRETER:
9 In this case - well, to start off with, the area
10 when I lived at and it was something that you
11 would keep inside your home secured, and I'm
12 sorry, not that I'm going to judge you, but I
13 can use a very good word here and apply it, but
14 above the 90 percent of all Americans, North
15 Americans, they have a weapon in their home, and
16 what makes me think about that, because in the
17 court where I was at, the judge did ask a
18 hundred people that were present, "Who has a
19 weapon in their home?" They all raised their
20 hand.

21 PRESIDING COMMISSIONER SHELTON: Mr.
22 Marroquin, that day of that offense your weapon
23 wasn't in your home.

24 INMATE MARROQUIN THROUGH THE INTERPRETER:
25 Correct. I - I would - had the custom to go to
26 over by Pomona to - to the shooting range, and
27 that's the motive for which I had in my

1 possession that weapon, that cursed weapon.

2 PRESIDING COMMISSIONER SHELTON: So you
3 had already been to the shooting range, or you
4 were going to the shooting range?

5 INMATE MARROQUIN THROUGH THE INTERPRETER:
6 No, we had already gone.

7 PRESIDING COMMISSIONER SHELTON: All
8 right. Did you want to ask any questions about
9 the offense at this moment, or do you feel like
10 -

11 DEPUTY COMMISSIONER KEENAN: Nothing,
12 thank you.

13 PRESIDING COMMISSIONER SHELTON: All
14 right. Let's - let's con - do you have anything
15 else you want to add with regards to this before
16 we move on?

17 INMATE MARROQUIN THROUGH THE INTERPRETER:
18 Well, you have the opinion and you have the say.

19 PRESIDING COMMISSIONER SHELTON: That may
20 be true, but this is your opportunity to - to
21 talk as well, sir. I don't have any opinion at
22 the current time, I'm listening to you.

23 INMATE MARROQUIN THROUGH THE INTERPRETER:
24 That's fine. In this case, as - as I was
25 already judge, I'm being judge again - or tried,
26 I'm being tried again. As I was already tried
27 twice, one in the courts and another one three

1 years ago.

2 PRESIDING COMMISSIONER SHELTON: Mr.
3 Marroquin, I'm going to interrupt. You're not
4 on trial here today, sir. We're trying to
5 decide whether you have the ability to be
6 successful on parole, and we talk about this
7 offense because that's what got you in here -

8 INMATE MARROQUIN THROUGH THE INTERPRETER:
9 Okay.

10 PRESIDING COMMISSIONER SHELTON: - and
11 that's a foundation for us moving forward, to
12 see what you have done with your life since
13 you've been here and if you have prepared
14 yourself for release.

15 INMATE MARROQUIN THROUGH THE INTERPRETER:
16 Okay. In this case, being that this saying has
17 been - has changed now, I have a new knowledge
18 regarding this new life that I now have, I have
19 obtained a vocation of which I like so that I
20 can evolve in my future if I were to be released
21 tomorrow.

22 PRESIDING COMMISSIONER SHELTON: Okay.
23 We are going to move in that direction now, so
24 we're going to move forward. I think you
25 understand what we're talking about, I hope you
26 do, so we've talked about what got you in here,
27 we're going to talk about your prior record, and

1 according to this, sir, you have no prior
2 record.

3 INMATE MARROQUIN THROUGH THE INTERPRETER:
4 Correct.

5 PRESIDING COMMISSIONER SHELTON: You
6 never got in trouble as a youth.

7 INMATE MARROQUIN THROUGH THE INTERPRETER:
8 Never. Never gotten into any problems. I been
9 - I been accused of it, they were - they -

10 PRESIDING COMMISSIONER SHELTON: Okay.

11 INMATE MARROQUIN THROUGH THE INTERPRETER:
12 - got confused.

13 PRESIDING COMMISSIONER SHELTON: Yeah,
14 there's nothing on your recording according to
15 this. So that's good.

16 INMATE MARROQUIN THROUGH THE INTERPRETER:
17 I've never done anything.

18 PRESIDING COMMISSIONER SHELTON: Now
19 let's talk about your growing-up time, and I'm
20 going to read what's here, and I want you to
21 help me out, tell me if it's true or not. You
22 were -

23 INMATE MARROQUIN THROUGH THE INTERPRETER:
24 That's fine.

25 PRESIDING COMMISSIONER SHELTON: You were
26 born July 30th, 1956, in Guatemala.

27 INMATE MARROQUIN THROUGH THE INTERPRETER:

1 Correct.

2 PRESIDING COMMISSIONER SHELTON: And it
3 says here that you didn't cooperate well to tell
4 much about your social history. I understand
5 you have two sisters and three brothers?

6 INMATE MARROQUIN THROUGH THE INTERPRETER:
7 Correct.

8 PRESIDING COMMISSIONER SHELTON: And some
9 of your brothers and sisters are still in
10 Guatemala, and some are in Los Angeles.

11 INMATE MARROQUIN THROUGH THE INTERPRETER:
12 Correct. I want to ask a question.

13 PRESIDING COMMISSIONER SHELTON:
14 Certainly.

15 INMATE MARROQUIN THROUGH THE INTERPRETER:
16 What was it that you said, I didn't understand?

17 PRESIDING COMMISSIONER SHELTON: Did
18 somebody talk to you about your social history
19 before?

20 INMATE MARROQUIN THROUGH THE INTERPRETER:
21 In reception, yes.

22 PRESIDING COMMISSIONER SHELTON: Okay.
23 Did you tell them all about yourself, or did you
24 didn't want to talk?

25 INMATE MARROQUIN THROUGH THE INTERPRETER:
26 No, I explained to the counsel - counselor. He
27 asked about my family, and I told him

1 everything.

2 PRESIDING COMMISSIONER SHELTON: Okay.

3 Well, we're going to have you tell us. So how
4 old were you when you came over from Guatemala?

5 INMATE MARROQUIN THROUGH THE INTERPRETER:

6 I was very young.

7 PRESIDING COMMISSIONER SHELTON: Did your
8 whole family - well, obvious - your parents came
9 over?

10 INMATE MARROQUIN THROUGH THE INTERPRETER:

11 No.

12 PRESIDING COMMISSIONER SHELTON: So how
13 did you get to the United States?

14 INMATE MARROQUIN THROUGH THE INTERPRETER:

15 Just like a hundred percent of all people in the
16 United States, they come as immigrants.

17 PRESIDING COMMISSIONER SHELTON: No. But
18 I mean how did you get here? Who did you come
19 with, and how old were you?

20 INMATE MARROQUIN THROUGH THE INTERPRETER:

21 All by myself. On my own.

22 PRESIDING COMMISSIONER SHELTON: How old
23 were you?

24 INMATE MARROQUIN THROUGH THE INTERPRETER:

25 I was very young. I was like 18 years old.

26 PRESIDING COMMISSIONER SHELTON: Okay.

27 Why did you want to come here?

1 INMATE MARROQUIN THROUGH THE INTERPRETER:
2 Unfortunately, to - to be better, to better
3 myself.

4 PRESIDING COMMISSIONER SHELTON: Start a
5 new life?

6 INMATE MARROQUIN THROUGH THE INTERPRETER:
7 Exactly.

8 PRESIDING COMMISSIONER SHELTON: Sir, do
9 you have any contact with your parents or your
10 brothers or sisters?

11 INMATE MARROQUIN THROUGH THE INTERPRETER:
12 Yes, and I thank God that I do have the support
13 of my family. Unfortunately, they already
14 passed away.

15 PRESIDING COMMISSIONER SHELTON: Your
16 parents passed away? I'm sorry, sir. Do you
17 have - who - is there - do you still have
18 brothers or sisters that live in Los Angeles?

19 INMATE MARROQUIN THROUGH THE INTERPRETER:
20 Yes.

21 PRESIDING COMMISSIONER SHELTON: As well
22 as in Guatemala?

23 INMATE MARROQUIN THROUGH THE INTERPRETER:
24 Correct.

25 PRESIDING COMMISSIONER SHELTON: Does
26 anybody come see you here?

27 INMATE MARROQUIN THROUGH THE INTERPRETER:

1 My wife and my children.

2 PRESIDING COMMISSIONER SHELTON: All
3 right. Let's talk about your wife and your
4 children. How did you meet your wife?

5 INMATE MARROQUIN THROUGH THE INTERPRETER:
6 In school.

7 PRESIDING COMMISSIONER SHELTON: Inside
8 the institution or before you came?

9 INMATE MARROQUIN THROUGH THE INTERPRETER:
10 Excuse me?

11 PRESIDING COMMISSIONER SHELTON: Inside
12 the institution or before you came here?

13 INMATE MARROQUIN THROUGH THE INTERPRETER:
14 Oh, no, I've been married since I been 18.

15 PRESIDING COMMISSIONER SHELTON: Very
16 good.

17 INMATE MARROQUIN THROUGH THE INTERPRETER:
18 Thank you.

19 PRESIDING COMMISSIONER SHELTON: And you
20 are still married?

21 INMATE MARROQUIN THROUGH THE INTERPRETER:
22 Correct. That is correct.

23 PRESIDING COMMISSIONER SHELTON: Where
24 does your wife live?

25 INMATE MARROQUIN THROUGH THE INTERPRETER:
26 In Los Angeles.

27 PRESIDING COMMISSIONER SHELTON: Okay.

1 How many children do you have?

2 INMATE MARROQUIN THROUGH THE INTERPRETER:

3 Three.

4 PRESIDING COMMISSIONER SHELTON: How old
5 are they?

6 INMATE MARROQUIN THROUGH THE INTERPRETER:

7 The oldest is like 29, and the youngest is like
8 19.

9 PRESIDING COMMISSIONER SHELTON: And do
10 you see them or - or talk to them?

11 INMATE MARROQUIN THROUGH THE INTERPRETER:

12 Correct. I speak to them.

13 PRESIDING COMMISSIONER SHELTON: And they
14 come visit you?

15 INMATE MARROQUIN THROUGH THE INTERPRETER:

16 Yes, they do come and see me, but I speak with
17 them more on the phone. That's what I admire of
18 the United States, everybody's always busy,
19 keeps busy.

20 PRESIDING COMMISSIONER SHELTON: Is there
21 anything else you would like to add for the
22 record, sir?

23 INMATE MARROQUIN THROUGH THE INTERPRETER:

24 Like what else can I add about my family?

25 PRESIDING COMMISSIONER SHELTON: Anything
26 you would like.

27 INMATE MARROQUIN THROUGH THE INTERPRETER:

1 Very well. My desire is to be with my family.
2 I know I have an INS hold. I know I'll be
3 deported to Guatemala. I had the opportunity to
4 prepare myself here in prison. I have spoken to
5 my family regarding that, and my wife, she's
6 willing to go with me over there, and my
7 children remain here.

8 PRESIDING COMMISSIONER SHELTON: All
9 right, sir, we're going to talk about your
10 parole plans shortly, so hold that thought
11 because we're going to - I want to cover all of
12 that in just a few minutes. What we're going to
13 do now is we're going to turn to Commissioner
14 Keenan, and he's going to talk to you about
15 post-conviction factors, which means what you've
16 been doing, as you said, to prepare yourself in
17 the institution. Commissioner?

18 DEPUTY COMMISSIONER KEENAN: All right.
19 Mr. Marroquin, I see you have a placement
20 score of 19. There was a classification score
21 of zero going back as far as February of '01.
22 Your last hearing was on 11/21/02 and we
23 recommended that you remain disciplinary free,
24 and you have done that. We recommended that you
25 upgrade vocationally, and I'll talk to you about
26 that more in just a minute, and that you
27 participate in self-help and available therapy,

1 and looking at your C-File, I see that you have
2 no 115s, you have two 128a's, the last one was
3 on 6/17/93. Since your last hearing you have
4 participated in AA, you are involved in Adult
5 Basic Education. Are you still in Adult Basic
6 Education?

7 INMATE MARROQUIN THROUGH THE INTERPRETER:

8 Yes.

9 DEPUTY COMMISSIONER KEENAN: Okay. Your
10 last TABE score was 3.8, that was the total, a
11 grade of 3.8, and that was on 12/29/05, and
12 there was a chrono in the C-File for that. I
13 did see that on earlier tests you scored higher.
14 Prior to your last hearing -

15 THE INTERPRETER: Yes, was the response -

16 DEPUTY COMMISSIONER KEENAN: Okay.

17 THE INTERPRETER: - to the comment.

18 DEPUTY COMMISSIONER KEENAN: Prior to
19 your last hearing I do see that you completed a
20 course in the Cause, Prevention, Treatment and
21 Management of HIV, AIDS, Tuberculosis and
22 Hepatitis, and you have participated in AA, NA,
23 since '95, you've worked in the Yard Crew.

24 Let's see. I saw in the current psychological
25 evaluation, that I'll get to shortly, that you
26 participated in individual counseling at some
27 point with a Dr. Reed, I think it was.

1 INMATE MARROQUIN THROUGH THE INTERPRETER:

2 Yes.

3 DEPUTY COMMISSIONER KEENAN: Okay. And
4 I'll read a little something about that when I
5 get to the psychological evaluation.

6 INMATE MARROQUIN THROUGH THE INTERPRETER:

7 Correct.

8 DEPUTY COMMISSIONER KEENAN: And you have
9 completed a course that you took, a
10 correspondence course, you talked about this at
11 your last hearing, and I think you were still
12 working on it during your last hearing, it was
13 the diesel mechanics, and I have a certificate
14 here for Thompson Education Direct, a diploma,
15 awarded - awarded to Marco Marroquin Webster -
16 Wester?

17 INMATE MARROQUIN THROUGH THE INTERPRETER:

18 That is correct.

19 DEPUTY COMMISSIONER KEENAN: In
20 recognition of the successful completion of the
21 program, Diesel Mechanics. That was in August
22 of '04, it was run by Connie Dempsy, director of
23 education. Okay.

24 INMATE MARROQUIN THROUGH THE INTERPRETER:

25 Correct.

26 DEPUTY COMMISSIONER KEENAN: And also I
27 saw in the psychological evaluation that's what

1 you plan to do, you want to work in diesel
2 mechanics in Guatemala.

3 INMATE MARROQUIN THROUGH THE INTERPRETER:
4 Correct.

5 DEPUTY COMMISSIONER KEENAN: All right.
6 Have I missed anything yet, or does that all
7 sound accurate so far?

8 INMATE MARROQUIN THROUGH THE INTERPRETER:
9 Everything seems to be accurate. Thank you.

10 DEPUTY COMMISSIONER KEENAN: Is there any
11 self-help or therapy that you participated in
12 that I haven't commented on?

13 INMATE MARROQUIN THROUGH THE INTERPRETER:
14 No, everything's fine. If I can include
15 something?

16 DEPUTY COMMISSIONER KEENAN: Sure.

17 THE INTERPRETER: [To Inmate Marroquin]
18 criminal?

19 DEPUTY COMMISSIONER KEENAN: Criminon?

20 INMATE MARROQUIN THROUGH THE INTERPRETER:
21 I took a course in Criminon.

22 DEPUTY COMMISSIONER KEENAN: I didn't
23 notice that in the - in the file.

24 INMATE MARROQUIN THROUGH THE INTERPRETER:
25 Yes, that's something that I wanted to mention.
26 I don't know what's going on, but I did it
27 around a year ago, and they haven't corresponded

1 with the certificate or anything.

2 DEPUTY COMMISSIONER KEENAN: Okay.

3 (Off the record)

4 DEPUTY COMMISSIONER KEENAN: Back on
5 record, Side 2. Okay. You - you were saying
6 that you weren't - participated in and completed
7 the Criminon program, was it?

8 INMATE MARROQUIN THROUGH THE INTERPRETER:
9 Correct.

10 DEPUTY COMMISSIONER KEENAN: In '05 you
11 believe it was?

12 INMATE MARROQUIN THROUGH THE INTERPRETER:
13 Yes.

14 DEPUTY COMMISSIONER KEENAN: Okay. And
15 you were giving me an explanation before we got
16 cut off by the tape, something about why you
17 don't have a certificate or -

18 INMATE MARROQUIN THROUGH THE INTERPRETER:
19 Yes, I did that course and I learned a lot
20 because it has a very good orientation, and then
21 my instructor just stopped writing to me. I've
22 sent her like three letters already, and there
23 hasn't been any response to them. I know you
24 would be more informed regarding this, that the
25 name is Criminon.

26 DEPUTY COMMISSIONER KEENAN: And - huh.
27 Have you gone through your Central File?

1 INMATE MARROQUIN THROUGH THE INTERPRETER:

2 Yes.

3 DEPUTY COMMISSIONER KEENAN: You didn't
4 find it in there?

5 INMATE MARROQUIN THROUGH THE INTERPRETER:
6 No, it would be a bit difficult to find it there
7 because it would have to come to me, and then I
8 would have to give it to the counselor.

9 DEPUTY COMMISSIONER KEENAN: Okay. And -
10 all right. Well, do you want to just state for
11 the record what the course is, how long it was,
12 and what you got out of it?

13 INMATE MARROQUIN THROUGH THE INTERPRETER:
14 What I got out of that course was - was very
15 important. It speaks about how to take control
16 over one's self, how to appreciate nature, all
17 of it, and how to better yourself
18 psychologically, including to that, I had some -

19 THE INTERPRETER: I need an explanation
20 from the prisoner. [Speaks in Spanish to Inmate
21 Marroquin.]

22 INMATE MARROQUIN THROUGH THE INTERPRETER:
23 I had some appointments, thanks to Dr. Greer, or
24 something, Deere?

25 PRESIDING COMMISSIONER SHELTON: Oh, Dr.
26 Reed?

27 INMATE MARROQUIN THROUGH THE INTERPRETER:

1 Yes, thank you. And he was going with me, a few
2 appointments that I had, and he would conversate
3 with me, and that helped me out a lot.

4 DEPUTY COMMISSIONER KEENAN: Okay. How
5 long was the program?

6 INMATE MARROQUIN THROUGH THE INTERPRETER:
7 More or less, a little bit more than year.

8 DEPUTY COMMISSIONER KEENAN: More than a
9 year?

10 INMATE MARROQUIN THROUGH THE INTERPRETER:
11 Yes.

12 DEPUTY COMMISSIONER KEENAN: Okay. Well,
13 it would be helpful if you could get a hole of
14 some - something from the program.

15 INMATE MARROQUIN THROUGH THE INTERPRETER:
16 Thank you.

17 DEPUTY COMMISSIONER KEENAN: Something
18 from your instructors.

19 INMATE MARROQUIN THROUGH THE INTERPRETER:
20 Thank you.

21 DEPUTY COMMISSIONER KEENAN: All right.
22 Are there any other self-help or therapy
23 programs that I've missed here, something that
24 you participated in that wasn't commented on
25 already?

26 INMATE MARROQUIN THROUGH THE INTERPRETER:
27 No, everything's correct. The only problem is,

1 and not giving fault to anybody or blaming
2 anybody, but I have tried quite a bit to attend
3 other programs, but there are many people
4 waiting for these courses, and the only thing
5 that I have attended to and with great risk that
6 if you don't attend constantly or regularly to
7 it, is Alcoholics Anonymous, and that program,
8 if you don't pay attention to or give its
9 attention to go to the appointments, they just -
10 they take you out of the program immediately.

11 DEPUTY COMMISSIONER KEENAN: I see that
12 you were the chairman of the program at one
13 point.

14 INMATE MARROQUIN THROUGH THE INTERPRETER:
15 Yes, in another prison. Where I was previously,
16 I was the leader. I was the chair of the
17 sessions, and my insistence in this is the
18 steps. The most efficient and the effort that
19 you should take to them is to be constant in a
20 group of Alcoholics Anonymous. It's now about
21 now I have this chrono and that's it, no. My
22 mentality is that once I'm out, I will keep
23 going to Alcoholics Anonymous for the rest of my
24 life, because there is no other way how to
25 better something, not only something that you
26 want or desire, but to be tentative [sic] to it.
27 I have this knowledge of which has been very

1 useful. That's - and if I was asked about this
2 years back, and I dare to speak with everyone's
3 permission here, if I were to ask all of you
4 here, including the officers, if they are
5 alcoholics and that if they don't have a
6 knowledge of it, they are automatically
7 mistaken. All person who drinks one beer, one
8 drink of a beer, is an alcoholic, and that is
9 something very important of which I didn't know,
10 to accept that I was an alcoholic. My mentality
11 was, "No, I'm not an alcoholic, I know how to
12 drink." I was very mistaken.

13 DEPUTY COMMISSIONER KEENAN: Okay.

14 INMATE MARROQUIN: [Still speaking in
15 Spanish.]

16 THE INTERPRETER: Wait. Excuse me.
17 These are key questions that the doctors, the
18 psychiatrists, psychologist, and medical
19 doctors, they have asked me, "Mr. Marroquin, are
20 you an alcoholic?" Yes. I believe it's written
21 down there.

22 DEPUTY COMMISSIONER KEENAN: Okay. And
23 vocationally, you've done the Diesel Mechanic
24 course. Have you picked up another work or
25 vocational skills while in the institution?

26 INMATE MARROQUIN THROUGH THE INTERPRETER:
27 No. I focus myself precisely in that vocation

1 of which I like a lot.

2 DEPUTY COMMISSIONER KEENAN: Okay.

3 INMATE MARROQUIN THROUGH THE INTERPRETER:

4 Of which I will support myself off of it.

5 DEPUTY COMMISSIONER KEENAN: Now I saw

6 the certificate, but I don't see any other

7 surrounding paperwork that tells me anything

8 about how long the course was, how intensive.

9 How long was this course?

10 INMATE MARROQUIN THROUGH THE INTERPRETER:

11 Yes, it took a while, approximately close to two

12 years.

13 DEPUTY COMMISSIONER KEENAN: And how

14 would it work? They would send you reading

15 material every month, or every week, and you

16 would have to take tests on it, or - or - how

17 did that work?

18 INMATE MARROQUIN THROUGH THE INTERPRETER:

19 Yes, there was a package that that company sends

20 you, of which I want to emphasize, it's not a

21 state one, it's a paid one, private, in which my

22 family paid for. Thanks to them, I was able to

23 get it, and they send you everything here so

24 that you can execute it.

25 DEPUTY COMMISSIONER KEENAN: Okay. And

26 ordinarily I would think, and - and I'm

27 certainly not a - an expert in diesel mechanics

1 or any kind of mechanics, but I would think that
2 a major portion of a course in mechanics would
3 be hands-on.

4 INMATE MARROQUIN THROUGH THE INTERPRETER:
5 I am completely agreeing with you. A great part
6 of my life I worked. I can say it in a way of
7 working on top of an engine. My first
8 profession is I'm a driver in busses and - and
9 trucks.

10 DEPUTY COMMISSIONER KEENAN: Okay. All
11 right. Do you have anything else from the - the
12 program you could show us? Any kind of
13 documents from the program that would -

14 INMATE MARROQUIN THROUGH THE INTERPRETER:
15 No, not exactly here. I have documents here
16 which you have.

17 DEPUTY COMMISSIONER KEENAN: Okay. Well,
18 the fact that it's all written and none of it is
19 hands-on, should that lead me to the conclusion
20 that your skills in this area are less than what
21 they need to be to get a job, or is there reason
22 for me think otherwise?

23 INMATE MARROQUIN THROUGH THE INTERPRETER:
24 No, they're something that helps me, because the
25 instructors from the University in Pennsylvania,
26 they congratulated me, and they asked me an
27 extra question, why is it that I knew so much if

1 I grew up there, and my grade was extremely
2 high.

3 DEPUTY COMMISSIONER KEENAN: Okay. And
4 was that class in Spanish or English?

5 INMATE MARROQUIN THROUGH THE INTERPRETER:
6 In English.

7 DEPUTY COMMISSIONER KEENAN: Did you have
8 difficulty with it, because of the English?

9 INMATE MARROQUIN THROUGH THE INTERPRETER:
10 No. I have a - I don't if you can call it a
11 problem or how you can call this, but I read
12 English very nicely, and my serious problem with
13 it is speaking it.

14 DEPUTY COMMISSIONER KEENAN: Okay. All
15 right. And then moving to the psychological
16 evaluation prepared for this hearing by -

17 INMATE MARROQUIN THROUGH THE INTERPRETER:
18 Thank you.

19 DEPUTY COMMISSIONER KEENAN: - by M.
20 Macober, M-A-C-O-M-B-E-R, Staff Psychologist,
21 dated 5/11/06, in assessing you, he goes over
22 various topics. He notes initially that he
23 interviewed you with a Spanish translator, a
24 certified translator, he says. Okay. And notes
25 that your mental status is within normal limits,
26 judgment was intact, intact and self-awareness
27 were good.

1 "Inmate Marroquin has sought out and
2 obtained individual counseling with Dr.
3 Reed at CTF. He has received several
4 hours of individual counseling dealing
5 with the commitment offense and other
6 related issues. Dr. Reed indicated that
7 there were no mental or emotional
8 problems evidence in this case. Inmate
9 Marroquin was under the influence of
10 alcohol at the time of the commitment
11 offense. He's continued to attend
12 Alcoholics Anonymous over the years.
13 Although alcohol is readily available to
14 inmates in a prison setting, he has shown
15 self-control, maturity, and
16 responsibility by totally abstaining from
17 any use of alcohol during his 13 years of
18 incarceration. Therefore, this is
19 certainly not a current problem in his
20 life."

21 And under "Current Diagnostic Impressions," he
22 notes Axis I, no contributory clinical disorder;
23 Axis II, no contributory personality disorder.

24 He says you have a GAF of 85, and I have
25 something from the DSM-IV that defines what that
26 means. A GAF of 85, Global Assessment of
27 Functioning, an 85 falls within a range that is

1 described as absent, or minimal symptoms, good
2 functioning all areas, interested and involved
3 in a wide range of activities; socially
4 effective, generally satisfied with life, no
5 more than everyday problems or concerns.

6 INMATE MARROQUIN THROUGH THE INTERPRETER:

7 Thank you.

8 DEPUTY COMMISSIONER KEENAN: And he talks
9 about a review of the life crime. He says you
10 accept full responsibility for the commitment
11 offense, says the offense appears to be quite
12 situational; it's also related to the fact that
13 he had been drinking alcohol, resulting in the
14 use of poor judgment and release of inhibitions.
15 There's a section on - well, let me back up. He
16 also notes that you indicate you were very sorry
17 that it happened, said that you did not intend
18 to kill the victim, that your feelings of sorrow
19 and remorse appear to be genuine. Your
20 assessment of dangerousness, he notes that in
21 comparison to other inmates, the potential for
22 dangerous behavior is below average; that's
23 within the institution. He says:

24 "In considering the potential for
25 dangerous behavior if released to the
26 community, the Level of Service Inventory
27 Revised was administered. This is an

1 actuarial measure that assesses criminal
2 background, substance abuse history,
3 social relationships, academic and
4 vocational achievement, family
5 relationships, and other factors to
6 determine current risk level on parole.
7 He does not have a history of prior
8 arrests, his score places him at a 1.8
9 cumulative frequency for prison inmates.
10 This means that if 100 men were released
11 on parole, he would do better than 98 of
12 them. This is a very low risk level. As
13 a result, he poses no more risk to
14 society than the average citizen in the
15 community. At this point in his life
16 there are no significant risk factors in
17 this case." And in his final sentence he
18 says: "The prognosis for successful
19 adjustment in the community is very
20 good."

21 Is there anything you'd like to say about that
22 report?

23 INMATE MARROQUIN THROUGH THE INTERPRETER:

24 That's correct.

25 DEPUTY COMMISSIONER KEENAN: Turn it back
26 to the chairperson.

27 PRESIDING COMMISSIONER SHELTON: All

1 right. Doing okay on time?

2 THE INTERPRETER: I'm fine. I really
3 don't know if my replacement is here or not.

4 PRESIDING COMMISSIONER SHELTON: Okay. I
5 think what we'll do is we'll - we'll discuss
6 parole plans, and then we'll take a recess so
7 that we can change translators.

8 INMATE MARROQUIN THROUGH THE INTERPRETER:
9 All right.

10 PRESIDING COMMISSIONER SHELTON: Let's
11 talk about your parole plans, sir. I have here
12 in the record that it says - as we discussed, we
13 kind of started discussing this already, you
14 would like to live with your wife, and it says
15 brother. Does your - does your wife live with
16 your brother right now?

17 INMATE MARROQUIN THROUGH THE INTERPRETER:
18 Excuse me?

19 PRESIDING COMMISSIONER SHELTON: Does
20 your - do - is it - is it your wife and her
21 brother, does she live with her brother or - it
22 says here, brother.

23 INMATE MARROQUIN THROUGH THE INTERPRETER:
24 No, that's mistaken.

25 PRESIDING COMMISSIONER SHELTON: That's
26 wrong. Okay. Then I will note that. Okay. So
27 you would like to live with your wife, and her

1 name is Lily.

2 INMATE MARROQUIN THROUGH THE INTERPRETER:

3 Yes, correct.

4 PRESIDING COMMISSIONER SHELTON: She
5 lives in Los Angeles, as you mentioned.

6 INMATE MARROQUIN THROUGH THE INTERPRETER:

7 Correct.

8 PRESIDING COMMISSIONER SHELTON: Does
9 anybody else live with your wife right now?
10 Your children or -

11 INMATE MARROQUIN THROUGH THE INTERPRETER:
12 My children live with her, and they live with
13 her, vice-versa.

14 PRESIDING COMMISSIONER SHELTON: How old
15 are they?

16 INMATE MARROQUIN THROUGH THE INTERPRETER:
17 The oldest is 29, more or less, and the youngest
18 is 19.

19 PRESIDING COMMISSIONER SHELTON: And
20 those - they still live at home?

21 INMATE MARROQUIN THROUGH THE INTERPRETER:
22 Yes. My children are lovely.

23 PRESIDING COMMISSIONER SHELTON: They're
24 taking care of mom.

25 INMATE MARROQUIN THROUGH THE INTERPRETER:
26 Exactly, yes.

27 PRESIDING COMMISSIONER SHELTON: Now we

1 talked about the fact that you have an INS hold,
2 so if you had to go back to Guatemala, where
3 would you live?

4 INMATE MARROQUIN THROUGH THE INTERPRETER:
5 I would automatically live in my home.

6 PRESIDING COMMISSIONER SHELTON: And you
7 have a home in Guatemala?

8 INMATE MARROQUIN THROUGH THE INTERPRETER:
9 Exactly, yes.

10 PRESIDING COMMISSIONER SHELTON: And
11 who's in that home right now?

12 INMATE MARROQUIN THROUGH THE INTERPRETER:
13 Part of my family is over there, and part of my
14 wife's family, and so they're taking care of
15 everything over there, because it's community
16 property.

17 PRESIDING COMMISSIONER SHELTON: And you
18 think that since you received your diesel
19 mechanic certificate that you could find work in
20 Guatemala?

21 INMATE MARROQUIN THROUGH THE INTERPRETER:
22 Oh, yes, perfectly. I did it with that purpose.

23 PRESIDING COMMISSIONER SHELTON: What
24 about here?

25 INMATE MARROQUIN THROUGH THE INTERPRETER:
26 Excuse?

27 PRESIDING COMMISSIONER SHELTON: If - if

1 you were to go live with your wife, do you have
2 any work lined up here? Can you get a job as a
3 diesel mechanic in Los Angeles?

4 INMATE MARROQUIN THROUGH THE INTERPRETER:

5 No, I don't have anything planned for here,
6 don't have anything, absolutely anything.

7 PRESIDING COMMISSIONER SHELTON: Now you
8 mentioned earlier, and I want to make sure it's
9 on the record, that if you went back to
10 Guatemala your wife plans to move with you?

11 INMATE MARROQUIN THROUGH THE INTERPRETER:

12 Correct.

13 PRESIDING COMMISSIONER SHELTON: And your
14 children would stay here and continue on as
15 they're doing?

16 INMATE MARROQUIN THROUGH THE INTERPRETER:

17 Correct.

18 PRESIDING COMMISSIONER SHELTON: Okay. I
19 have some letters here that I want to review.

20 INMATE MARROQUIN THROUGH THE INTERPRETER:

21 I hope that they are there.

22 PRESIDING COMMISSIONER SHELTON: Some are
23 here.

24 INMATE MARROQUIN THROUGH THE INTERPRETER:

25 Thank you.

26 PRESIDING COMMISSIONER SHELTON: A letter
27 from Lily, which, if I recall, is your wife.

1 This was dated May of 2006.

2 INMATE MARROQUIN THROUGH THE INTERPRETER:

3 Correct.

4 PRESIDING COMMISSIONER SHELTON: She
5 would like to live in Guatemala City with you.
6 Your children are adults, and they would stay in
7 Los Angeles. You would receive full support
8 from family, and she lists the address here
9 where you would live in Guatemala City, Sector
10 C-2, San Jose La Rosas.

11 INMATE MARROQUIN THROUGH THE INTERPRETER:

12 Correct.

13 PRESIDING COMMISSIONER SHELTON: And you
14 were both born there, in Guatemala City?

15 INMATE MARROQUIN THROUGH THE INTERPRETER:

16 Yes.

17 PRESIDING COMMISSIONER SHELTON: And your
18 family is there for support. This is a letter
19 from your three children: Emerald, 18; Joshua,
20 19; and Marco, 27. "We are here to support him
21 100 percent.

22 INMATE MARROQUIN THROUGH THE INTERPRETER:

23 Thank you.

24 PRESIDING COMMISSIONER SHELTON: "We will
25 travel frequently to visit you in Guatemala,"
26 and they're very supportive of your release,
27 sir. Then we have a single letter from your

1 daughter. She said she was 18 years old and
2 she's been left without you for almost 13 years.
3 She misses you, wants you to come home, and
4 obviously she loves you very much.

5 INMATE MARROQUIN: Gracias.

6 PRESIDING COMMISSIONER SHELTON: Here's a
7 letter from Joshua. He says it's really been
8 hard as a man growing up with no father. He
9 would like for you to have one more chance. And
10 this is your - this is your oldest son. I know
11 this is hard, but you know, I'm really impressed
12 how much your children and your wife love you.
13 So that's a good thing.

14 INMATE MARROQUIN THROUGH THE INTERPRETER:
15 Thank you very much, ma'am.

16 PRESIDING COMMISSIONER SHELTON: It's a
17 good thing. This is from your oldest son. He's
18 the one that said he had to take over, stepping
19 into your role and being a dad in your absence
20 for his brother and sister, and he said he's
21 willing to support you in any way that you need.
22 And this is a duplicate letter from your - from
23 your wife, and a notarized letter from your
24 wife, indicating that you have 100 percent
25 family support.

26 INMATE MARROQUIN THROUGH THE INTERPRETER:
27 That is correct, ma'am.

1 PRESIDING COMMISSIONER SHELTON: Did I
2 leave anything out on the letters? Did - are
3 these all the letters that you were talking
4 about?

5 INMATE MARROQUIN THROUGH THE INTERPRETER:
6 Everything's correct.

7 PRESIDING COMMISSIONER SHELTON: All
8 right. Good. One last thing we need to touch
9 on is that we send out what are called 3042
10 letters to agencies that are interested in your
11 situation, your case, and as you know, we have a
12 representative from the District Attorney's
13 Office in Los Angeles who will be allowed to
14 speak in a few minutes, and for the record, I
15 need to let you know that we received a letter
16 from the Los Angeles County Sheriff's
17 Department, and I need to read this to enter it
18 to the record. They offer an opinion as well.
19 It says:

20 "During the early morning of January 13th,
21 1992, inmate Marco Marroquin and Louis
22 Silva were at a bar in the incorporated
23 area of Compton. The two got into an
24 argument in which Marroquin became angry
25 at perceived insults against his family.
26 As the argument became more heated,
27 Silvia - Silva threatened to kick

1 Marroquin's ass. Marroquin left the bar
2 and retrieved a .38 caliber pistol which
3 he kept hidden in the engine compartment
4 of his vehicle. He returned to the bar
5 and approached Silva as he came out.
6 Marroquin pulled the pistol from his back
7 pocket, leveled it at Silva - Silva, and
8 declared, "You son of a bitch." He then
9 fired once, striking Silva in the
10 abdomen." I think it was indicated he
11 was struck in his arm in the previous
12 report. "A witness followed Marroquin
13 back to his truck and ordered Marroquin
14 to put down the gun and surrender to the
15 police. Marroquin retorted, "Fuck you,
16 I'll shoot you too." Marroquin was
17 arrested in the parking lot by responding
18 deputies. Victim Silva was transported
19 to a area hospital where he died. Based
20 on these facts, it is the opinion of this
21 department that parole of inmate
22 Marroquin is inappropriate and should be
23 denied."

24 For the record I would indicate that I think
25 some of the - some of this letter is a tad bit
26 inaccurate with a summary of the offense. I
27 think we covered it previously, it had a little

1 more accuracy to it, and it's only fair to put
2 that in the record as well. Before we move on,
3 and actually what we're going to do is take a
4 recess in a moment so we can check on our second
5 translator for you, sir. Is there anything that
6 you would like to add with regards to your
7 parole plans?

8 INMATE MARROQUIN THROUGH THE INTERPRETER:

9 First of all, my plan is to get out of this
10 nightmare, and then be in my country working,
11 like I did start doing 30 years ago, because I
12 know that life in Latin America is strongly in
13 poverty, and for that reason is why I have this
14 small tool to be able to survive. My intention
15 is, I'm old, and it's a bit difficult for them
16 to give me work, and for which that reason I
17 want to establish a mechanic shop and be able to
18 live my last days. That is my plan, to go back
19 to my country and work on my - on my own, set up
20 a mechanics shop. I - I can add a whole lot of
21 other things, but

22 PRESIDING COMMISSIONER SHELTON: Okay.

23 INMATE MARROQUIN THROUGH THE INTERPRETER:

24 I thank you for this moment.

25 PRESIDING COMMISSIONER SHELTON: I
26 understand.

27 INMATE MARROQUIN THROUGH THE INTERPRETER:

1 Thank you.

2 PRESIDING COMMISSIONER SHELTON: Let's
3 recess, and we'll come back together as soon as
4 we make sure we have all the translation
5 assistance that we need. The time is 12:55 p.m.

6 (Off the record)

7 DEPUTY COMMISSIONER KEENAN: Back on
8 record. All parties previously identified are
9 present.

10 PRESIDING COMMISSIONER SHELTON: All
11 right. Okay. Mr. Marroquin, we are back on the
12 record, it is 10 after 1, and for the record, we
13 have the same translator as we had before, and
14 we will be maintaining her for services the rest
15 of this hearing.

16 INMATE MARROQUIN THROUGH THE INTERPRETER:
17 Okay.

18 PRESIDING COMMISSIONER SHELTON: We are
19 now moving into the portion of the hearing where
20 we can ask you questions, and that means the
21 commissioner and I can ask you questions, the
22 deputy DA can ask you questions, as can your
23 counsel.

24 INMATE MARROQUIN THROUGH THE INTERPRETER:

25 Correct.

26 PRESIDING COMMISSIONER SHELTON: All
27 right. I want to see if I have any questions.

1 I probably do. You know, I'm not familiar with
2 the Criminon program. Could you tell me what
3 that's about?

4 INMATE MARROQUIN THROUGH THE INTERPRETER:
5 That program teaches you how to appreciate in
6 any angle that you see it how to manage
7 yourself, how to act, how you should appreciate
8 things, what animals meant to us, vegetation,
9 why a park is constructive, why mistreat it, why
10 cause harm to humanity, why cause harm to
11 animals, to the environment.

12 PRESIDING COMMISSIONER SHELTON: What was
13 the -

14 INMATE MARROQUIN THROUGH THE INTERPRETER:
15 Everything referring to that.

16 PRESIDING COMMISSIONER SHELTON: What was
17 the most important thing you learned?

18 INMATE MARROQUIN THROUGH THE INTERPRETER:
19 I can tell you what the most important. The
20 most important - and it sounds a little bit
21 ridiculous, but everything. Everything.

22 PRESIDING COMMISSIONER SHELTON: It
23 sounds to me like you really liked it. Your
24 eyes light up when you talk about this class.

25 INMATE MARROQUIN THROUGH THE INTERPRETER:
26 Yes. I had a - an education not precisely
27 different to what was in that book, but I was

1 speaking completely like ignorant, how you
2 construct yourself and how to construct others,
3 and the easiest thing is obedience. To
4 contradict another person is not something good.
5 I mean, if I were to tell you we get finished
6 today, I would dare to and if you allow me to
7 invite you because it's the studies of how to
8 manage the mind, and it's very important.

9 PRESIDING COMMISSIONER SHELTON: Let me
10 ask you another question, sir. What was the
11 most important you learned in your counseling
12 with Dr. Reed?

13 INMATE MARROQUIN THROUGH THE INTERPRETER:
14 When I had these small sessions with the doctor
15 and - and he counseled me as far as how to
16 manage myself and illuminating the way, asking
17 me questions from different angles, and the
18 thing you should appreciate is to be fine or
19 okay with your brain, and so many other things.

20 PRESIDING COMMISSIONER SHELTON: Thank
21 you, sir. I have no other questions at this
22 time. Commissioner?

23 DEPUTY COMMISSIONER KEENAN: I do have a
24 question. I was looking at a past psychological
25 evaluation and it said that you completed a
26 Positive Parenting program. Do you recall
27 anything about that?

1 INMATE MARROQUIN THROUGH THE INTERPRETER:

2 Yes, correct.

3 DEPUTY COMMISSIONER KEENAN: You did Pos

4 - it's called Positive Parenting?

5 INMATE MARROQUIN THROUGH THE INTERPRETER:

6 Yes, that's the name of it, yes.

7 DEPUTY COMMISSIONER KEENAN: Okay. And -

8 I think that's it.

9 PRESIDING COMMISSIONER SHELTON: Okay.

10 Mr. Pearson, do you have any questions?

11 DEPUTY DISTRICT ATTORNEY PEARSON: Just a

12 couple questions.

13 PRESIDING COMMISSIONER SHELTON: To me,

14 please.

15 DEPUTY DISTRICT ATTORNEY PEARSON: Oh,

16 I'm sorry. Yeah, you saw my eyes, didn't you?

17 PRESIDING COMMISSIONER SHELTON: Yes, I

18 did.

19 DEPUTY DISTRICT ATTORNEY PEARSON: I'd

20 like to ask the inmate, before he got in prison

21 what sort of work did he do on the outside?

22 INMATE MARROQUIN THROUGH THE INTERPRETER:

23 Correct. I worked for many years in a - marmel

24 company?

25 THE INTERPRETER: Marble. Marble.

26 PRESIDING COMMISSIONER SHELTON: Marble.

27 THE INTERPRETER: Marble?